

ID62047

March 12, 2018

To: The Honorable Board of Acquisition and Contract

From: Kathleen M. O'Connor
Commissioner of Parks, Recreation & Conservation

Re: Authority to exercise the option to renew a License Agreement with Westchester Parks Foundation, Inc., for the use of office space and for the provision of cultural, educational, leisure time and other programs and activities on behalf of the Department of Parks, Recreation and Conservation, for the period October 1, 2018 through September 30, 2023.

On August 1, 2013, your Honorable Board for the County of Westchester approved a resolution to enter into a License Agreement with the Friends of Westchester County Parks, Inc., a not-for-profit organization, to utilize office space located at 450 Saw Mill River Road, Ardsley, New York and to provide various cultural, educational, leisure time and other programs and activities on behalf of the Department of Parks, Recreation and Conservation for a term commencing October 1, 2013 through September 30, 2018, with the County's option to renew the License for an additional five (5) year term.

On May 19, 2016 your Honorable Board for the County of Westchester approved a resolution to amend the License Agreement for the limited purpose of reflecting the legal name change to Westchester Parks Foundation, Inc. All other terms and conditions of the agreement remained the same.

Authority is now requested for the County to exercise its option to extend the License Agreement with Westchester Parks Foundation, Inc. (the "Foundation") for the use of office space and for the provision of cultural, educational, leisure time and other programs and activities on behalf of the Department of Parks, Recreation and Conservation ("Department") for the five-year period commencing October 1, 2018 and terminating September 30, 2023.

As compensation for the privilege of operating this License, the Foundation shall pay to the County an annual fee of \$100.00. In addition, all net proceeds of its fund raising activities shall be used to fund other Foundation licensed activities on behalf of the Department.

The Foundation was formed in 1977 exclusively for charitable purposes and solely for the benefit of the Department. It has become an integral partner in the cooperative effort of the Department and the private sector in the support and development of the unique and beautiful County Parks.

The goal and objective of this agreement is for Westchester Parks Foundation, Inc. to assist in promoting the mission of the Department by developing and financially supporting workshops, professional development initiatives, program sponsorships, facility enhancements and other special projects and events that provide recreational, educational and cultural opportunities for the public. Department of Parks, Recreation and Conservation personnel will track and monitor the organization of the various events, programs and donations.

Your Honorable Board's approval of the following defense and indemnity provision, which is included in the License Agreement is also requested:

“(b) to provide defense for and defend, at Licensee's sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto resulting from the willful or reckless behavior or the negligent acts or omissions of the Licensee, its employees, agents, invitees and third parties under the direction and control of the Licensee.”

This Agreement is exempt from the Westchester County Procurement Policy and Procedures pursuant to Section 3(b) thereof.

A Resolution is attached for your favorable consideration.

RESOLUTION

Upon a communication from the Commissioner of the Department of Parks, Recreation and Conservation, be it hereby

RESOLVED, that the County of Westchester is authorized to renew a License Agreement with Westchester Parks Foundation, Inc., a not-for-profit organization, to utilize office space located at 450 Saw Mill River Road, Ardsley, New York and to provide various cultural, educational, leisure time and other programs and activities on behalf of the Department of Parks, Recreation and Conservation for a term commencing October 1, 2018 through September 30, 2023; and be it further

RESOLVED, that Westchester Parks Foundation, Inc. shall pay an annual license fee of \$100.00, as well as donate all net proceeds of its fund raising activities to fund Westchester Parks Foundation, Inc.'s other licensed activities on behalf of the Department of Parks, Recreation and Conservation; and be it further

RESOLVED, that the following defense and indemnification provision is authorized to be included in the License:

“(b) to provide defense for and defend, at Licensee’s sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto resulting from the willful or reckless behavior or the negligent acts or omissions of the Licensee, its employees, agents, invitees and third parties under the direction and control of the Licensee.”; and be it further

RESOLVED, that the County Executive or his duly appointed designee be, and hereby is, authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Original Agreement \$ 500.00
 First Amendment \$
 This Amendment \$ 500.00
 TOTAL \$1,000.00

Agreement #

Account to be
 Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars	
165	42	1100	9542		\$100	2019
165	42	1100	9542		\$100	2020
165	42	1100	9542		\$100	2021
165	42	1100	9542		\$100	2022
165	42	1100	9542		\$100	2023

Budget Funding Year(s) 2019-2023 Start Date 10/1/2018 End Date 9/30/2023
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
\$500.00 Federal Aid _____
 (must match resolution) Other PRC Revenue _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/05/2018 - LISA MRIJAJ, SECRETARY